



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MAY 4 2004

Jonathan Lane, Esq.
Hancock & Lane
300 Spring Street – Suite 508
Little Rock, AR 72201

Re: MUR 5366 (Michelle Abu-Halimeh)

Dear Mr. Lane:

On November 25, 2003, the Federal Election Commission notified your client, Michelle Abu-Halimeh, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint and information provided by your client, the Commission, on April 14, 2004, found that there is reason to believe that your client violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Brant Levine, the attorney assigned to this matter, at (202) 694-1572.

Sincerely,



Ellen L. Weintraub
Vice Chair

Enclosure
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: Michelle Abu-Halimeh

MUR: 5366

I. INTRODUCTION

This matter was generated by a complaint filed by the American Conservative Union dated May 30, 2003. *See* 2 U.S.C. § 437g(a)(1). The complaint alleged that Michelle Abu-Halimeh may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") by being reimbursed for a contribution she made to John Edwards's presidential campaign committee, Edwards for President ("the Edwards Committee").

II. FACTUAL AND LEGAL ANALYSIS

According to disclosure reports filed with the Commission, Ms. Abu-Halimeh contributed \$2,000 to the Edwards Committee on March 3, 2003. Those disclosure reports identify Ms. Abu-Halimeh as an employee of Turner & Associates, a litigation firm based in Little Rock, Arkansas, led by attorney Tab Turner. *See* <http://www.tturner.com>. On the same day as Ms. Abu-Halimeh's contribution, the Edwards Committee received three other contributions of \$2,000 each from individuals who also listed their employer as Turner & Associates.¹ All of these individuals listed their occupation as legal assistant, and none appears to have contributed to a federal candidate before that time. Three days before the employees made these contributions, Tab Turner himself contributed \$2,000 to the Edwards Committee.

The complaint cited media reports that identified numerous law firms whose employees reportedly made questionable contributions to the Edwards Committee. *See* Complaint, Exs. A-

¹ The Edwards Committee refunded all of these contributions on April 17, 2003.

F. Most specifically, the *Washington Post* reported that Ms. Abu-Halimeh received assurances from her boss that she would be reimbursed for her contribution to the Edwards Committee. *See* Complaint, Ex. A. According to the *Post*, Tab Turner, the principal of the firm, responded, “[S]he is not going to be reimbursed. She apparently cannot be reimbursed under some rule relating to campaign finance.”²

Ms. Abu-Halimeh submitted a one sentence response to the complaint through her attorney stating that “any involvement she may have had in this matter has been corrected.” Given the complaint’s specific allegations of a reimbursement scheme by Mr. Turner, and given the reported comments from paralegals that Turner promised them reimbursements for their contributions, further investigation into this matter is warranted. Additionally, because Ms. Abu-Halimeh has not substantively responded to the complaint, there are material unanswered questions that need to be addressed regarding the circumstances of her contribution.

If Ms. Abu-Halimeh was reimbursed for her contribution to the Edwards Committee, then she may have violated the Act. The Act prohibits any person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect contributions made in the name of another person, and from knowingly assisting in making such contributions. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). Therefore, there is reason to believe that Michelle Abu-Halimeh violated 2 U.S.C. § 441f.

² Thomas Edsall and Dan Balz, *Edwards Returns Law Firm's Donations*, WASH POST, Apr. 18, 2003 at A1.

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